

Kansas Corporation Commission
Commission Meeting
August 4, 2016
10:00 a.m. 1st floor hearing room
KCC Offices, 1500 Arrowhead, Topeka, Kansas

MINUTES

The Commission convened the regular scheduled open meeting of the Commission at 10:00 a.m. on August 4, 2016 in the 1st floor hearing room of the Kansas Corporation Commission, 1500 Arrowhead, Topeka, Kansas.

Present: Chairman Emler, Commissioner Albrecht and Commissioner Apple. The following were considered by the Commission:

1. **Consent Agenda:** Commissioner Albrecht moved for approval of the Consent Agenda: All other listed matters as presented for August 4, 2016 on the six page document attached hereto as "Attachment A," which is included by reference herein. Commissioner Apple seconded the motion.

The motion was approved.

2. **Noticed:**

- A. **Docket No. 15-CONS-770-CMSC: *In the Matter of an Order Reducing Saltwater Injection Rates into the Arbuckle Formation, Applicable to Wells in Defined Areas of Increase Seismic Activity in Harper and Sumner Counties.***

Commissioner Albrecht requested order #16-2128 - *Second Order Reducing Saltwater Injection Rates* be passed over until the Business Meeting on Tuesday, August 9, 2016.

- B. **Docket No. 16-GIMM-586-KHP: *In the Matter of the Investigation of Continental Siding Supply, Inc. of Independence, Missouri, Pursuant to the Kansas Highway Patrol Issuance of a Notice of Violation for Violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority.***

Commissioner Apple moved for approval of order #16-2530 - *Order Denying Motion to Dismiss*. Commissioner Albrecht seconded the motion.

The motion was approved.

3. **Discussion/Presentation Item(s):**

- A. **Request to Purchase Replacement Vehicles** – Neysa Thomas, Director of Fiscal Services, presenter.

Commissioner Albrecht moved for the approval of three SUVs and seven trucks to be purchased. Commissioner Apple seconded the motion.


The motion was approved.

B. Merger Standards – Brian Fedotin, Deputy General Counsel, presenter.

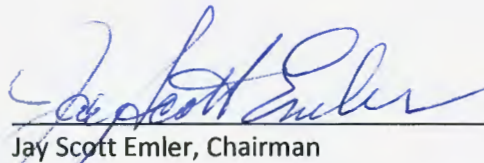
Chairman Emler requested an order be drafted setting forth the merger standards that have been used for recent mergers. If approved, the order would establish a baseline from which all parties would start when presenting testimony. If a party would wish to deviate from the baseline, that party could explain the proposed deviation in its testimony. The draft order will be consider at a future business meeting.

There being no further matters before the Commission, Commissioner Albrecht moved for adjournment of the Commission meeting. Commissioner Apple seconded the motion. The motion was approved. The Commission adjourned the August 4, 2016 Commission Meeting at 10:34 a.m.

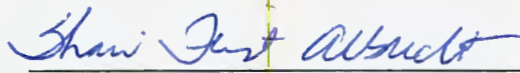
Respectfully submitted,



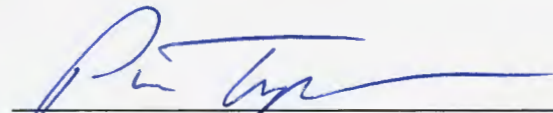
Amy L. Green
Secretary to the Commission



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner



ITEMS OF Consent Agenda

Approval Date: Thursday, August 4, 2016

NOTICE TO THE PUBLIC: There will be no separate discussion of Consent Agenda items as they are considered to be routine by the Kansas Corporation Commission. Unless removed from the website's Consent Agenda, the orders appearing on the Consent Agenda will become the Order of the full Commission at the Commission's regularly scheduled Business Meeting. If Commission staff or a Commissioner requests an item be removed from the Consent Agenda, the affected item may be considered separately or placed on the earliest possible Business Meeting agenda for discussion.

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
1	In the Matter of the Application of Valu-Net LLC Filing for Kansas Video Service Authorization. Order Granting Withdrawal of Amended Application	13-VNLT-556-VSA	
2	In the Matter of the Audit of CenturyLink Communications, LLC by the Kansas Universal Service Fund (KUSF) Administrator Pursuant to K.S.A. 2014 Supp. 66-2010(b) for KUSF Operating Year 18, Fiscal Year March 2014-February 2015. Order Accepting and Adopting Compliance Report and Closing Docket	16-QWCT-032-KSF	
3	In the Matter of an Investigation to Determine the Assessment Rate for the Twentieth Year of the Kansas Universal Service Fund, Effective March 1, 2016. Order Approving Traffic Factors for Matrix Telecom LLC	16-GIMT-067-GIT	
4	In the Matter of the Application of United Telephone Companies of Kansas Filing Tariff Revisions to Language in Compliance with the Federal Universal Service Order Order Approving Tariff Revisions	17-UTDT-011-TAR	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
5	In the Matter of the Application of United Telephone Companies of Kansas dba CenturyLink Revisions Tariff to its Lifeline Rule Changes Order Approving Tariff Revisions	17-UTDT-013-TAR	
6	In the Matter of the Complaint Against Kansas City Power & Light Company by Stephen and Karen Gradwohl. Protective and Discovery Order	15-KCPE-544-COM	
7	In the Matter of the Application of Kansas Gas and Electric Company, Doing Business as Westar Energy, Inc. for a Certificate of Public Convenience and Authority to Transact the Business of an Electric Public Utility Specifically in Portions of Sections 20, 21, 22, 23, 26, 27, 28, 29, and 30, Township 24 South, Range 6 East, Butler County KS Certificate	16-KG&E-529-COC	
8	In the Matter of the Complaint Against Atmos Energy by Floyd Cattle Co Inc / Martie Floyd Order Adopting Legal Memorandum	16-ATMG-454-COM	
9	In the Matter of the Investigation of Rod A. Gilliland, d/b/a Reaction Towing & Recovery of Wichita, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Suspending Intrastate Motor Carrier Operations	16-TRAM-419-PEN	
10	In the Matter of the Investigation of Todd Miller Trucking, Inc. of Wathena, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Suspending Intrastate Motor Carrier Operations	16-TRAM-453-PEN	
11	In the Matter of the Investigation of Aaron Haden, d/b/a MAJAC of Eudora, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Order Suspending Intrastate Motor Carrier Operations	16-TRAM-460-PEN	
12	In the Matter of the Investigation of Venture Transportation, LLC of Baxter Springs, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-018-PEN	
13	In the Matter of the Investigation of Engel's Sales & Service Center, Inc. of Norton, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-037-PEN	

Consent Agenda

ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
14	In the Matter of the Investigation of James T. Newell, Jr., d/b/a Newell Trucking of Baldwin City, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-038-PEN	
15	In the Matter of the Investigation of M Bar M Farms, LLC of Lyons, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-039-PEN	
16	In the Matter of the Investigation of Grant Enterprises LLC of Hesston, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-042-PEN	
17	In the Matter of the Investigation of Russel A. Ensz, d/b/a Ace Enterprize of Inman, Kansas, Regarding the Violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of Motor Carrier Authority. Penalty Order	17-TRAM-044-PEN	
18	In the Matter of the Emergency Suspension of Operating Authority of A & M Hotshot, LLC of Allen, Kansas, for Failure to Comply With New Entrant Safety Requirements as Required by Motor Carrier Safety Statutes, Rules and Regulations. Emergency Suspension of Operating Authority Order	17-TRAM-043-OOS	
19	In the matter of the failure of Double Eagle Exploration, Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4066-CPEN	
20	In the matter of the failure of M E Klein & Associates, Inc ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4077-CPEN	
21	In the matter of the failure of Oil Producers, Inc. of Kansas ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4083-CPEN	
22	In the matter of the failure of Richland Oil Investments, LLC ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. Order Approving Settlement Agreement	16-CONS-4088-CPEN	

Consent Agenda

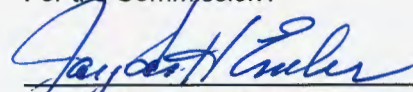
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
23	In the matter of the failure of Brian L. Birk dba Birk Petroleum ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4055-CPEN	
24	In the matter of the failure of Edward E. Birk ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4056-CPEN	
25	In the matter of the failure of Loewen Operator, Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4076-CPEN	
26	In the matter of the failure of Toil Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4095-CPEN	
27	In the matter of the failure of Webco Oil Company, Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4097-CPEN	
28	In the matter of the failure of White & Ellis Drilling, Inc. ("Operator") to comply with K.A.R. 82-3-400 regarding injection that took place during the 2015 calendar year. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4098-CPEN	
29	In the matter of the failure of Joe Brake dba Brake Inc. ("Operator") to comply with K.A.R. 82-3-111 at the T Bollinger #RDK-1 in Butler County, Kansas. <i>Order Designating Prehearing Officer and Setting Prehearing Conference</i>	16-CONS-4117-CPEN	
30	In the matter of the failure of Andrew E. Larson Trust ("Operator") to comply with K.A.R. 82-3-307 and the Basic Integrated Proration Order for the Hugoton Gas Field and the Panoma Council Grove Gas Field in Finney County, Kansas. <i>Penalty Order</i>	17-CONS-3008-CPEN	
31	In the matter of the failure of First National Oil, LLC ("Operator") to comply with K.A.R. 82-3-120. <i>Penalty Order - First National Oil, LLC</i>	17-CONS-3014-CPEN	
32	In the matter of the failure of Dwayne Dalton dba Oilfield Truck Service ("Operator") to comply with K.A.R. 82-3-120. <i>Penalty Order - Dwayne Dalton dba Oilfield Truck Service</i>	17-CONS-3015-CPEN	
33	In the matter of the failure of Rick Housel dba Rick's Well Service ("Operator") to comply with K.A.R. 82-3-120. <i>Penalty Order - Rick Housel dba Rick's Well Service</i>	17-CONS-3016-CPEN	

Consent Agenda

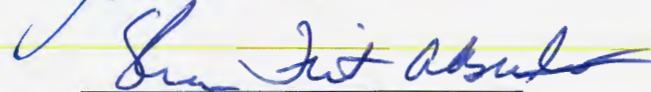
ITEM NO.	DESCRIPTION	DOCKET NUMBER	REMOVED
34	In the matter of the failure of Intrepid Energy Corporation ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Intrepid Energy Corporation	17-CONS-3017-CPEN	
35	In the matter of the failure of New Western Operating, LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - New Western Operating, LLC	17-CONS-3018-CPEN	
36	In the matter of the failure of Kansas MB Project, LLC ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - Kansas MB Project, LLC	17-CONS-3019-CPEN	
37	In the matter of the failure of Blackstone Oil & Gas (Kansas), LLC ("Operator") to comply with K.A.R. 82-3-107 and K.A.R. 82-3-130 at the Mohr #1-3, Mohr #2-3 and Crotinger #2-4 in Rush County, Kansas. Penalty Order - Blackstone Oil & Gas (Kansas), LLC	17-CONS-3020-CPEN	
38	In the matter of the failure of Miller-Becker Enterprises, LLC ("Operator") to comply with K.A.R. 82-3-602 at the Wegele #1-A well in Russell County, Kansas. Penalty Order - Miller-Becker Enterprises, LLC	17-CONS-3021-CPEN	
39	In the matter of the failure of SandRidge Exploration and Production LLC ("Operator") to comply with K.A.R. 82-3-602 at the Bascom Farms 3408 #1-4H33 well in Harper County, Kansas. Penalty Order - SandRidge Exploration and Production LLC	17-CONS-3022-CPEN	
40	In the matter of the failure of S.J. Titan Co., a General Partnership ("Operator") to comply with K.A.R. 82-3-120. Penalty Order - S.J. Titan Co., a General Partnership	17-CONS-3024-CPEN	

The above-captioned matter(s) were approved by the Commission, unless noted as removed.

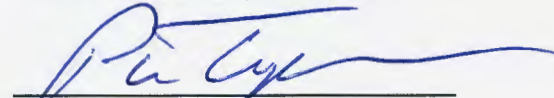
For the Commission :



Jay Scott Emler, Chairman



Shari Feist Albrecht, Commissioner



Pat Apple, Commissioner

Attest:



Amy L. Green
Secretary to the Commission